

REMARKS

Claims 1-4, 7-9, and 11-16 are pending in this application. Claims 1 and 9 are independent claims. By this Amendment, claims 1 and 9 are amended and new claim 16 is added. No new matter is added.

Rejections under 35 U.S.C. § 103

Duncan/Worrell/Knopper

Claims 1-4, 7, 9, and 11-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2007/0226481 to Duncan ("Duncan") in view of U.S. Patent Publication No. 2005/0021190 to Worrell et al. ("Worrell") and in view of "Building a self-contained auto configuring Linux System on an iso9660 file system" to Knopper ("Knopper"). Applicants respectfully traverse this rejection for the reasons detailed below.

Duncan relates to a method for deploying personal computers (PCs) to customers. The method includes shipping the PCs to customers without an operating system (OS) and installing the OS when the customer turns on the PC. Thus, Duncan fails to relate to an in-vehicle navigation device or disclose any of the structural components of such a device. Although Duncan does not disclose or relate to navigation devices, it is alleged in the Office Action that it would have been obvious to one of ordinary skill in the art to modify the method of Duncan (including the PC described therein) to include loading a navigation system (as allegedly disclosed in Worrell) into the PC via a portable memory device (i.e., the storage device 150 of Duncan). According to the Office Action, the reason for modifying the PC of Duncan is because various devices may need to be updated by the time an end user receives them. However, it is at best unclear why one of skill in the art would seek to modify the PC of Duncan, or the system of installing the OS to the PC, to include a navigation

device or a map database because the PC of Duncan is not an in-vehicle navigation device that would require a navigation application or a map database. Certainly there would be no motivation to do so to unless the present application were used to provide the motivation to do so; which would be an improper hindsight analysis.

Worrell relates to a method and apparatus for providing a vehicle operator with a means for controlling vehicle systems and subsystems by operating a control interface or control system disposed on a surface of a steering wheel (paragraph [0044]). At paragraph [0070] of Worrell, it is disclosed that an interface for a driver may be updated by downloading a selected driver interface from a website onto a flash card memory that is plugged into the dashboard of a car. A flash card reader 68 could contain machine-readable data including maps (navigation system). Thus, Worrell provides no motivation or suggestion to update a PC and/or system of Duncan as suggested in the Office Action.

Applicants respectfully remind the Examiner that "[A] patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). Further, the teaching or suggestion to make the combination, and the reasonable expectation of success, must both be found in the prior art and not based on the Applicant's disclosure (MPEP § 2143). In making an assessment of the differences between the prior art and the claimed subject matter, 35 USC §103 specifically requires consideration of the claimed invention "as a whole." The "as a whole" instruction in §103 prevents evaluation of the invention on a part-by-part basis. Without this important requirement, an obviousness assessment might break an invention into its component parts, then find a prior art reference corresponding to each component. This line of reasoning would import hindsight into

the obviousness determination by using the invention as a roadmap to find its prior art components (Ruiz v. A.B. Chance., Co., 357 F.3d 1270, 1275, (Fed. Cir. 2004)).

The tertiary reference of Knopper is cited for allegedly disclosing a file system copied to RAM. Knopper relates to building a self-contained auto-configuring Linux system. Thus, Knopper fails to disclose or suggest an in-vehicle navigation system or any problems found therein. Thus, there is no motivation or suggestion to modify Duncan as proposed in the Office Action. Moreover, as Duncan appears to have no need whatsoever for a self-contained auto-configuring Linux system on an iso9660 file system, the motivation for modifying Duncan as proposed is unclear.

Although the Examiner alleges that it would have been obvious to one of skill in the art to modify Duncan according to the teachings of Knopper because "it uses known techniques to provide predictable results," such is not a valid grounds for the proposed modification. Additionally, it is unclear if the proposed modification would provide predictable results. For example, it is unknown if Duncan could continue to operate as designed if a self-contained auto-configuring Linux system on an iso9660 file system was implemented. It is also unclear if Duncan, as modified by Worrell would continue to operable, or be operable for its intended use with the proposed modification.

In addition to the above deficiencies, the combination of references fails to disclose or suggest an in-vehicle personal navigation device that enables a user to navigate to a pre-defined destination, comprising an internal satellite positioning receiver, as recited in independent claim 1.

Further, independent claim 9 is amended to recite connecting the navigation device to a memory card, the memory card storing an operating system, a navigation application including core functions accessible via a single touch to the touch screen display, and map data, and in which the card can be inserted into and removed from the

device.

The Examiner gives Official Notice that a touch screen is known in the art. Applicant respectfully reminds the Examiner that “Official notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances. Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known” (emphasis added).

Moreover, if Official Notice is taken of a fact, unsupported by documentary evidence, the technical line of reasoning underlying a decision to take such notice must be clear and unmistakable. If such notice is taken, the basis for such reasoning must be set forth explicitly. The examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge. See *Soli*, 317 F.2d at 946, 37 USPQ at 801; *Chevenard*, 139 F.2d at 713, 60 USPQ at 241. The applicant should be presented with the explicit basis on which the examiner regards the matter as subject to Official Notice so as to adequately traverse the rejection in the next reply after the Office action in which the common knowledge statement was made. In the present case, the Examiner takes Official Notice without supporting documentary evidence. If Applicant challenges a factual assertion as not properly officially noticed or not properly based upon common knowledge, the Examiner must support the finding with adequate evidence (MPEP §2144.03).

Additionally, even if accepting the Official Notice allegation regarding a touch screen, none of the applied references disclose or suggest a navigation application that enables accessing core function via a single touch to a touch screen, as recited in independent claim 9.

As the combination of references fails to disclose or suggest all of the features recited in the rejected claims, withdrawal of the rejection is requested.

Duncan/Worrell/Knopper/(ACPI)

Claims 8 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2007/0226481 to Duncan ("Duncan") in view of U.S. Patent Publication No. 2005/0021190 to Worrell et al. ("Worrell") and in view of Knopper, and further in view of the Advanced Configuration and Power Interface Specification (ACPI). It is presumed that claim 15, and not claim 18 (there is no claim 18 pending) is intended. Applicants respectfully traverse this rejection.

Claims 8 and 15 are allowable for their dependency on their respective base claim for the reasons discussed above, as well as for the additional features recited therein.

Moreover, it is alleged in the Office Action that it would have been obvious to one of skill in the art to further modify Duncan (which has already been modified to include the self-contained auto-configuring Linux system on an iso9660 file system) according to the teachings of ACPI which teaches an implementation for motherboard configuration and power management functions (Microsoft system). ACPI clearly discloses only interface specifications and does not contain any platform compliance requirements. ACPI provides guidelines for class specific platform implementations that reference ACPI-defined interfaces and guidelines for enhancements that operating systems may require to completely support OSPM/ACPI. Thus, it is unclear if the teachings of ACPI are compatible with the Duncan as modified by Knopper. In other words, there is no indication or evidence provided in the Office Action that Duncan would continue to function at all, or for its intended purpose, if further modified according to the teachings of ACPI.

The Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claims 8 and 15 under 35 U.S.C. § 103(a).

New Claim

None of the applied references, whether considered alone or in combination, disclose or suggest that the navigation application includes core functions accessible via a single touch to the touch screen display, as recited in claim 16.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



John W. Fitzpatrick, Reg. No. 41,018

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

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